

Written evidence from Southwark Council (CPN0025)

Key points

- Without the safety net of social security, many families with NRPF end up living in destitution and are at high risk of homelessness, exploitation and abuse.
- Our NRPF team help to prevent homelessness and alleviate child poverty through the essential support they provide, despite not being funded by central government.
- Demand for support from NRPF families in Southwark was already significant, and has only increased further during the pandemic. This is placing unsustainable pressure on the council's resources and budgets.
- Most families supported by our NRPF Team are single mother households. Many find themselves facing hardship because they have left a relationship due to domestic violence or because of a relationship breakdown.
- The majority of families we support will exit that support through being granted Leave to Remain with recourse to public funds, or through a Change of Conditions to remove the NRPF condition from their leave, but this can take a long time for them to resolve with the Home Office.
- Over half of our cases receive support for periods longer than a year. Given that the outcome for most is that they ultimately receive recourse to public funds, it is clear that the speed of decision-making is too slow.
- We are currently supporting around 130 families and over 220 children, but that is just the tip of the iceberg - we know there are many more in our communities who have not approached us for support and survive through charities, faith groups and other ways.
- The council is consistently spending over £6 million a year supporting residents through its NRPF service. The vast majority of this is on direct costs such as temporary and emergency accommodation and subsistence payments to families and individuals.

Recommendations

- We are spending over £6 million a year supporting households with no recourse to public funds. The Government should provide funding to reimburse councils for these costs.
- The Home Office should undertake a thorough review of its policies and processes to identify actions to speed up the resolution of cases, and to simplify the Change of Conditions process for applicants.
- The Home Office should take a far more circumspect and prudent approach in deciding whether to apply the NRPF condition to a grant of Leave to Remain - particularly to a person with a dependent child, or who is unable to work due to illness, disability or caring responsibilities.
- The Department for Education should make the temporary extension of free school meals to NRPF families permanent and provide equivalent Pupil Premium funding.
- The Government should consider extending eligibility for mainstream benefits to all EEA nationals with pre-settled status.
- The Government should permanently restore ring-fenced central government funding for local welfare assistance schemes and allow councils the flexibility to support NRPF families with these funds – which must also be sufficient to meet the subsequent increased demand from eligible residents.

Southwark profile

Southwark is a densely populated, diverse and vibrant area situated on the south bank of the River Thames. It is home to over 314,000 people, and a real patchwork of communities, from leafy Dulwich, to bustling Peckham and Camberwell, and the rapidly changing Rotherhithe peninsula. Over 120 languages are spoken across the borough, with 11% of households having no members who speak English as a first language. It is also home to some of the most deprived communities in the country.

Poverty and destitution in Southwark

According to data from the End Child Poverty Coalition, Southwark had the 6th highest child poverty rate in the UK in 2019/20, with 43% of children in poverty after housing costs are taken into account. Nine of the 10 local authorities with the highest child poverty rates are London boroughs.

Destitution is defined as lacking two or more basic essentials such as food, clothing, shelter, toiletries, heating and lighting in the last month. Southwark has the 5th highest rate of all boroughs in London with 1.19% of Southwark households being destitute.

Key data and statistics

- As of 11 October 2021, the council is providing financial support under Section 17 of the Children's Act to 132 families, with 221 children in total.
- Family sizes vary, ranging from 1 to 4 children.
- The majority of the children we support are pre-school or primary school age, less than a quarter are secondary school age, and only a small number are 16+.
- The vast majority of these families are single-mother families with between 1 and 4 children (110 families or 83%).
- The most common family type is a single-mother with one child (67 out of 132 families or 51%).
- Many of the children in NRPF families that LBS supports were born in the UK or hold British citizenship (we estimate this applies to around 75%).
- We do not collate information on the citizenship status of children we support in NRPF families. However, our NRPF Team estimates that around 75% of children in NRPF households hold British citizenship or were born in the UK.

How does the council support families with NRPF?

Under section 17 of the Children's Act, the council has a duty to support families where children are destitute or are at risk of falling into destitution. The council's NRPF Team sits in the Communities Division and comprises three managers, five social workers, five NRPF assessors and one business support worker. They support families that present to the council or are referred to the team by other services.

The team works closely with colleagues in Housing and Children's Social Care to ensure that a family's immediate needs are met and to safeguard their welfare. When a family presents to the NRPF Team, they will carry out a Child in Need assessment to determine whether they require support from the local authority under Section 17. If it is determined that a child is facing destitution, the family will be provided with financial support and if it is required, with accommodation.

Why might these families find themselves destitute / facing destitution?

The majority of families supported by the NRPF Team are single mother households (83%). Many find themselves facing hardship because they have left a relationship due to domestic violence, or because of a relationship breakdown where they have split with their partner or

fallen out with a parent or sibling. Often, the mother has been left by their partner and they are unable to support themselves. In other circumstances, the child may suffer from an illness or disability, or the family's earnings fall below minimum wage for whatever reason.

What financial support do we provide to families?

When a family is being supported under Section 17 of the Children's Act, we provide subsistence payments of £60 per adult per week and £45 per child per week. Payments are made monthly, unless they require it weekly for budgeting reasons. This does not include other costs that are met by the council directly, such as accommodation and utility costs.

Example: a single mother with one child will receive subsistence payments of £455 a month, for two children £650 a month, and three children £845 a month.

The only time we will decline support is if, after undertaking financial checks, we ascertain that the parents have hidden finances, or if it is clear that they earn above minimum wage and they can therefore support the family. If it is an asylum-seeking family, the team will refer them to Migrant Help – the organisation contracted by the Home Office to support asylum seekers.

How big an issue is this in Southwark?

We are currently supporting around 130 families, but that is just the tip of the iceberg - we know there are many more in our communities who have not approached us for support and survive through charities and in other ways. The experience of the pandemic really shone a light on this, with significant numbers presenting for crisis support who were not previously known to public services.

There is a key issue here of trust in the Home Office and the overall narrative of the hostile environment policy. We believe many do not come forward because they are worried about being detained by the Home Office and returned to their country of origin.

How much is the council spending to support NRPF families?

The council is consistently spending over £6 million a year supporting residents through its NRPF service. The current budget for this year is £6.4m, which mirrors what we spent in 2020/21, and the total spend to date this year is £3.3m. This does include staffing and administration costs, but the vast majority of spending is on direct costs such as temporary and emergency accommodation and subsistence payments to families and individuals. Accommodation costs alone account for well over half of the budget (£3.64m). Another significant direct cost are care costs associated with supporting vulnerable adults under the Care Act.

Accommodation

Key stats

We currently have 192 NRPF families in temporary accommodation: 121 are in shared accommodation and 71 are in self-contained accommodation (1, 2 or 3 bed properties).

How do we support NRPF families into accommodation?

If the NRPF Team determines that a family is in need of accommodation, our Housing Solutions Team will find temporary accommodation for them. For NRPF families, this will usually mean being placed initially in nightly-rated emergency accommodation with one of our providers.

This could be shared accommodation – which is hostel-style accommodation where the kitchen and/or bathroom facilities are shared. Or it could be self-contained accommodation –

generally 1, 2 or 3 bed flats or houses from private temporary accommodation providers. The council will cover all accommodation and utility costs whilst the family is being supported under Section 17.

At this moment in time, there is in effect no temporary accommodation capacity within the borough itself. If a family presents to the council as homeless, we will likely not be able to accommodate them in Southwark, but with providers outside of the borough.

What is the quality of this accommodation?

We work hard to ensure that all the emergency accommodation we use is of a reasonable quality and has adequate facilities. All accommodation of this type should have facilities to cook and store food in fridges.

Southwark is signed up to 'Setting the Standards', which is a London-wide programme used by councils to ensure that nightly-rated accommodation meets a decent level of quality and management standards. Some of our emergency accommodation providers are now signed up to it and we are working to get all of our providers signed up to it.

What happens after a family obtains recourse to public funds?

After obtaining recourse to public funds, NRPF families will almost always still be considered homeless. At this stage, we will actively look to move families out of nightly-rated emergency accommodation and into more secure temporary accommodation – including within the council's own temporary accommodation stock. Any families that are still in shared accommodation will be moved into self-contained accommodation. The key difference is they will now pay for it themselves through their benefit entitlements.

Families confirmed as homeless and eligible under the Homelessness Reduction Act will remain in temporary accommodation whilst the council explores whether they are able to secure alternative accommodation – mainly private rented properties. If the council and client fail to secure alternative accommodation within 56 days under the 'relief duty' of the act, they will be assessed on whether they are owed the 'main housing duty' to determine if they are eligible to bid for social housing. Those who are owed the 'main housing duty' will be able to bid for social housing. However, there are currently 16,000 households on the waiting list for social housing in Southwark, and we are currently advising clients who are owed the 'main housing duty' that successful bidding for it will likely take 3-5 years, if not longer.

Southwark has the most ambitious council house building programme of any local authority in Britain, with a planned 11,000 new homes by 2043, but there is no denying there is a huge social housing shortage across London in particular.

As a result, many families spend several years in temporary accommodation or choose to move into the private rented sector. Moving into private rented accommodation locally will not be possible for most, because private rents in London are considerably higher than what they receive in housing support through the benefits system. The council has introduced a 'Good Homes Standard' for homeless households living in temporary accommodation – including the council's own stock, which sets out a series of minimum standards that clients can expect from their accommodation.

How does the council support families to exit their situation?

The majority of families we support will exit that support through being granted Leave to Remain with recourse to public funds, or through a Change of Conditions, which will allow them to access support through the mainstream welfare system.

Our NRPF team direct clients to the online form so they can make the Change of Conditions application. In almost all cases where we have advised them to put in a Change of Conditions application, it has been successful. The speed of Home Office decision-making for Change of Conditions applications once they are submitted has noticeably improved and is generally within a reasonable time.

However, for clients on a five-year route to settlement, undergoing a Change of Conditions application may result in the Home Office moving them onto the ten-year route to settlement. Moreover, in most cases grants of Leave to Remain must be renewed every 30 months, and the NRPF condition may be applied with each new application. These elements of the NRPF rules are needlessly punitive and burdensome and can leave families trapped in cycles of destitution that are difficult to escape.

We also refer clients to local providers like the Citizen Advice Bureau, Southwark Law Centre and Migrant Support agencies in London (mainly Southwark, Lewisham, Greenwich, Islington & Hackney) who can provide free legal and immigration support. For more complex cases, or where referrals are not possible, the council may fund an immigration legal solicitor to put in applications on the client's behalf to resolve their legal status in the UK. However, the process of obtaining a grant of Leave to Remain with recourse to public funds can take two years or more, leaving many with this emergency support for long periods of time. Over half of our cases receive support for periods longer than a year

The majority of families our NRPF Team are supporting currently are single-mother families that do not have immigration permission or Leave to Remain. While the Home Office has improved on resolving the cases of those who have been receiving support for long periods of time - the speed of Home Office decision-making here is still too slow.

What about Domestic Violence cases?

Where someone is granted permission to stay in the UK as the partner of a British citizen, but the relationship has broken down due to domestic violence, they may be able to claim public funds and apply to settle in the UK under the Destitution Domestic Violence Concession. The feedback from our NRPF Team is that generally, these decisions are quick, but additional funding is needed for local domestic violence services to support these cases as a bridging gap before they come to the council.

Data and relations with the Home Office

How does the council record data on those it supports with NRPF?

We only keep records on cases that have been accepted for support. We recently improved our data processes and widened the amount of data we record so that we can better respond to Freedom of Information requests.

How is the council's working relationship with the Home Office?

In regards to individual cases, the NRPF team communicates with the Home Office via the NRPF Connect database. The NRPF Team also has meetings with the Home Office roughly every 4-6 weeks, which are mainly centred around information sharing regarding Home Office policies and procedures and flagging up concerns experienced from our clients (such as administrative delays).

The main issue is the slow response, even to quite basic immigration queries through Connect. More significantly, they are slow in making decisions on cases. Over half of our cases receive support for periods longer than a year.

How did the council communicate with government departments about support for NRPF families during the pandemic?

Communication on how to deal with NRPF families during the pandemic has been with the various Government departments responsible for the many new emergency forms of support introduced during the pandemic and deliverable by councils.

The main form of COVID emergency support delivered by councils that is still in place is the Test and Trace Support Payments scheme (DHSC) where the council provides financial help for workers who are required to self-isolate. There is no requirement to check the immigration or residency status of the applicant within the guidance from the Department for Health and Social Care. Yet other forms of support were conditional on immigration status and excluded those with NRPF – for example, help with council tax bills or support through the council's main crisis support scheme.

The Government's approach to supporting those with NRPF during the pandemic could be characterised as one of 'muddling through'. The Government did not want to change the law on NRPF but appeared to tacitly encourage councils to stretch interpretation or seek loopholes that would enable the NRPF rules to be bypassed.

Impact of Brexit and the pandemic

What impact has Brexit had?

The main impact relates to the EU Settlement Scheme. Despite the council's efforts to promote the scheme, we know that not everyone has applied for settled or pre-settled status - so they do not have a regular immigration status and will not qualify for welfare support if they fall into hardship.

There are particular difficulties for EEA nationals who have pre-settled status but are not eligible for public funds, and we have seen an increase of these clients come over to us. Some clients need support with completing their EUSS applications or require signposting of where to get this done, and information around their rights. We are currently supporting six EEA families that have been brought into the NRPF regime post-Brexit.

What impact did the pandemic have, and how did we support families during it?

The impact of the pandemic on job or income losses, or a breakdown of support networks has been a clear contributing factor in the council seeing an increased demand for assistance during the pandemic.

We know from figures reported by the NRPF Network that the number of NRPF households supported by councils was 30% higher last year than in 2019/20. This is placing significant pressure on local authority resources and budgets.

It is deeply regrettable that the Government resisted the widespread calls for NRPF to be suspended during the pandemic. In the context of a global pandemic, where the Government had imposed lockdowns, international travel restrictions were in place and work opportunities were scarce, the NRPF rules appear utterly perverse. The virus does not discriminate between people based on their nationality, yet the rules likely forced some of those with NRPF to break the rules - putting themselves and others at risk.

The steps it did take to help NRPF families through the crisis were limited. It temporarily expanded access to free school meals for some NRPF families, NRPF families were able to access the furlough scheme, and there were the various COVID Local Grant schemes to support low-income families.

Southwark Council, like most of the other London boroughs, used some of the government grant funding through the COVID Local Grant schemes to provide Free School Meals for

eligible children - including children with NRPF – during the school holiday periods in 2020 and 2021.

People with NRPF are not eligible for help through the council's main crisis support scheme, the Southwark Emergency Support Scheme (SESS), because eligibility is conditional on the applicant receiving or having claimed national welfare benefits. However, we did back efforts to ensure that those with NRPF had access to support that was not defined as public funds through the work of our Community Hub (now the Southwark Community Support Alliance) and through direct community grants.

For example, the council used some of the money from the COVID Winter Grant to provide financial support for local food hubs last Christmas. The food hubs used this funding to provide support to anyone who needed it. Inevitably, this will have included people with NRPF – though neither the council nor any of the organisations distributing food aid would have made enquiries about anyone's immigration status.

In spring 2020, we set up a Community Grant scheme which eventually provided grants worth £650k to grassroots community groups that had sprung up spontaneously to support vulnerable people during the national lockdown. About 80% of that grant funding was allocated to local organisations providing emergency food aid. Similarly, we can assume that some of this food aid would have gone to those with NRPF.

We know from surveys carried out by our public Health team that 32% of those seeking help from the borough's food hubs during Oct 2020 - March 2021 gave No Recourse to Public Funds as the reason for their referral.

How will we use the Household Support Fund to support NRPF families this winter?

DWP guidance on the Household Support Fund states that local authorities can use the funds to provide a basic safety net – regardless of immigration status – if there is a risk to a child's wellbeing. It states that councils must use their own judgement to decide what powers and funding can be used to support individuals with NRPF.

Southwark's allocation from the Household Support Fund has been confirmed as £2.7 million. This is about one sixth of the amount Southwark households claiming Universal Credit will lose this winter due to the end of the £20 uplift.

The funding will run from October 2021 to 31 March 2022. Whilst NRPF families are not eligible for financial support through the Southwark Emergency Support Scheme, we will continue to utilise other opportunities to, in effect, open up access to support for Southwark residents with NRPF.

Whilst a formal decision on how to spend these funds is still to be taken, we currently expect the grant to cover three areas:

- Supporting vulnerable families through the Southwark Emergency Support Scheme, including help with increased fuel bills this winter.
- Providing food support to eligible children during the school holidays, including those with NRPF.
- Discretionary support via grant funding to voluntary sector and local community groups.

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